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BULLETIN

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Conferences of Bar Delegates Ineffective—Changes in Manner of Choosing Delegations Suggested

By Julius V. Patrosso, of the Los Angeles Bar

THE Conference of Bar Delegates was created by a rule or regulation adopted by the Board of Governors of the State Bar, which I take it had for its primary purpose the bringing about of a closer association between the State Bar and the various voluntary bar associations, and in order that the governing body, as well as the membership of the State Bar, might have the benefit of the views of organized bar associations upon various policies and other questions affecting the welfare of the State Bar.

Laudable as was the purpose leading to the creation of the Conference, it would appear that, as presently constituted, it has inherent weaknesses which materially lessen, if they do not entirely destroy, the effectiveness of the entire plan. In the first place, as presently provided, the various bar associations throughout the state are required, between June 15th and August 1st of each year, to elect or appoint through their governing boards, delegates to the Conference of the Bar Association Delegates and to certify the names of such delegates to the secretary of the State Bar not later than the 15th day of August.

The delegates so selected are those to attend the meeting of the Conference next to be held immediately preceding the following annual meeting which takes place during the month of September. The delegates so chosen are appointed for no specified term and cease to exist as such following the adjournment of the annual meeting in connection with which they are appointed to act. As a result, during practically the entire interim between annual meetings there are no delegates to the conference and it maintains its existence only through its executive committee and its officers who hold office immediately following the adjournment of the annual meeting at which they are appointed and through the next succeeding meeting. It is obvious that an executive committee consisting of six members of the State Bar, appointed from various sections of the state, are hardly in a position to do any real, effective work during their term of office. True, they may meet infrequently and discuss various problems that may occur to them and may likewise attempt to stimulate interest in the various local bar associations with which they are in contact, but aside from this they are little more than a dead letter.

Constructive Suggestion

My first suggestion therefore would be that the delegates be not selected merely to act during the meeting of the Conference, which occupies but one day, but that they be appointed and hold office for a period of one year. If this were done each active bar association throughout the state would in effect have a standing committee whose duty it would be to ascertain the views of the local association by which it was appointed upon all questions affecting the State Bar and its members, and when such a committee attended the meeting of the Conference and the annual meeting it would be in a position to express not alone the views of its individual members but rather the views of the association whom they represented upon any particular question.

The difficulty with the present organization of the State Bar, in my opinion, is that the action taken at any particular annual meeting reflects only the views of the individual members who see fit to attend and which represents but a very small percentage of the entire membership rather than the views of a cross-section of the bar throughout the state. This same weakness in the American Bar Association has been recognized and it is now actively starting a movement to correct

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BAR CONFERENCE

MEMBERS who make it a point to attend the annual sessions of the State Bar —of whom there are far too few—must have observed the failure of the so-called Conference of Bar Delegates to accomplish anything constructive from year to year. These meetings can be made to achieve their purpose, namely, to carefully consider and act upon the many subjects of vital interest to the profession and adopt resolutions representing the crystalized opinion of the Bar as a whole. As presently organized little is accomplished, and much time is wasted because the delegates have no advance information of the matters to be considered, and therefore no idea whether their respective association memberships will approve of their actions.

As a rule the delegates never meet each other, though many of them are named by the same association, until they arrive at the State Bar Convention. There is no program; no previous consideration of resolutions to be presented; no instruction from the governing bodies of their respective associations. Just a sort of "I'm here because I'm here" attitude.

But the situation is not hopeless. Fortunately the Executive Committee of Bar Association Delegates is at work on the problem and good may come of it. In the January issue of *The State Bar Journal* the chairman of the committee. F. M. McAuliffe, addressed all local bar associations and offered many good suggestions which, if followed, should make the conferences worth while. For instance, the chairman said:

> **"If the conference is to serve the local groups as it can well do, it must from time to time be advised of their needs and suggestions."**

In this issue of THE BULLETIN is an article by Julius V. Patrosso, a member of the Executive Committee of the Conference of Bar Delegates, who points out the weaknesses of the conference system as presently constituted, and offers suggestions for its improvement.

Concerted action by the Bar is demanded in many ways and on many questions, both for the benefit of the public and the profession, and the annual Conference of Bar Delegates can accomplish much if it is efficiently organized.

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this evil, to the end that the action taken at any meeting of the American Bar Association may more truly reflect the sentiment of the lawyers throughout the country rather than the few who attend the annual meeting.

Amplify Duties

I also feel that if the conference is to play an effective part in the affairs of the State Bar its powers and duties should be greatly amplified. At present the duties of the conference are declared to be, to act upon all matters referred to it by the annual meeting of the Board of Governors; to make such recommendations to the annual meeting and the Board of Governors as it may deem proper; to act upon all changes and proposed changes of law and to make recommendations to recognized bar associations respecting their activities.

As at present constituted, how can the conference make any intelligent recommendations to the annual meeting or to the Board of Governors? The delegates are notified of their appointment approximately 30 days before the annual meeting and at a time of the year when it is extremely difficult for the delegates to meet, if they were inclined so to do, in advance of the meeting of the conference for the purpose of formulating concrete recommendations. As a matter of practice the delegates appointed from the respective bar associations do not, I believe, even undertake to hold a meeting in advance of the conference, and such questions as come before the meeting of the conference have never been discussed by the delegates, much less considered by them as a body.

As far as my experience goes, after notification of my appointment as a delegate to the last conference, I had no contact whatsoever with the other delegates until the meeting was called to order in San Francisco by the chairman. As a result, when the various questions which came before the conference were being discussed, there was no unanimity of opinion among the delegates from each bar association and we did no more than express our own particular views with reference to any given subject, whereas, I believe that we should have been expressing the views of the bar association we represented, assuming that we had been advised in advance as to what its views upon any particular subject were. As to making concrete recommendations at the annual meeting or to the Board of Governors, of course, this is impossible unless the subject matter of the recommendation has been considered deliberately by the delegates well in advance of the annual meeting and the various delegates thus afforded an opportunity to ascertain the views of the various delegates throughout the state.

Not Practical

From a practical standpoint I very much doubt that the Conference of Bar Delegates as at present constituted serves any real purpose in the administration of the affairs of the State Bar. Thus at the meeting of the conference last year various suggestion and proposals were debated at great length at the meeting of the conference only to be redebated at as equal, if not greater, length at the annual meeting, and insofar as I could ascertain the views of the members present at the annual meeting were little, if at all, affected by the action which the conference had taken upon the same proposal. If, however, the members present at the annual meeting knew that an organized majority of the members of bar associations throughout the state, rather than individual delegates, had a definite view with reference to such proposal they would undoubtedly be inclined to seriously consider the questions before reaching a view contrary thereto.

In a nut shell, it seems to me that the Conference of Bar Delegates should express the majority view of the organized bar associations throughout the state, and if I am correct in this assumption, then a change should be made in the manner of choosing and the tenure of the delegation from each association in order that they may be fully acquainted in advance of the meeting of the conference as to the views of the association for whom alone they speak.

Disciplinary Actions of Bar In Various States

Will Shafroth, Director of the National Bar Program

"FACTS are stubborn but revealing things, and the first step toward any form of social reform is frank recognition of them." This sentence in an address by Justice Harlan F. Stone of the United States Supreme Court is applicable to many phases of the improvement of the administration of justice. It is particularly applicable to the situation which today confronts bar associations in respect to the procedures and processes which are used to rid the legal profession of its unworthy members. Having this in mind, the American Bar Association last year collected some definite facts in regard to disciplinary activity in the various states. These have already been published but it seems apropos at the present time to again set forth the number of reprimands, suspensions and disbarments over the five year period from 1929 to 1934 as they were then reported. The table, while not complete, shows a remarkable variation in the relative activity in the several states.

DISCIPLINARY ACTIONS REPORTED AND RATIO OF NUMBER OF CASES OVER FIVE-YEAR PERIOD (1929-1934) TO NUMBER OF PRACTICING LAWYERS

States	Total Reprimands	Suspensions	Disbarments	Per 1000, Lawyer Population Disbarments
Alabama	1	3	5	3.1
Arizona*	2	0	2	3.7
California	88	95	42	4.2
Colorado	9	5	8	5.1
Dist. of Columbia	0	5	15	4.3
Idaho	1	2	7	12.0
Illinois	100	24	88	7.6
Indiana	0	0	3	.8
Iowa	75	0	2	.8
Louisiana	7	0	9	5.5
Maryland	12	9	10	3.6
Minnesota	6	6	33	10.8
Mississippi	5	2	2	1.6
Montana	1	0	4	5.6
Nevada	30	4	1	4.3
New Hampshire	1	0	4	11.0
New York	38	84	203	7.3
North Carolina**	1	0	2	.8
Oklahoma	11	0	36	10.2
Oregon	0	1	11	6.9
Pennsylvania	2	4	9	1.1
Rhode Island	10	7	1	1.5
South Carolina	1	0	5	4.4
Utah***	0	1	2	3.3
Vermont	....	0	2	6.0
Washington**	8	1	5	2.1
West Virginia****	0	3	5	3.2
Wisconsin	4	5	14	5.4
Yyoming	....	3	2	6.6

* 1929-33 only. ** 1933 only. *** 1930-34 only. **** Estimate.
No complete statistics are available in states other than those listed above.

France and America Dedicate Memorial Gift of American Bar

CHICAGO, March 25—(Special)—The American Bar Association announced today that the memorial window in commemoration of St. Ives, patron saint of lawyers, is being installed in the Cathedral at Treguier, in Brittany, France, as the gift of the American Bar, and will be dedicated on May 18th, the day before the fete day of St. Ives. Representatives of the Bar of France and the United States will attend, and Mr. Pendleton Beckley of Paris, member of the American Bar Association and Chairman of the American Committee of donors, will present the greetings of the American Bar Association.

President William L. Ransom of the American Bar Association has appointed the following Committee for the occasion:

Pendleton Beckley, Paris, France, *Chairman*; John H. Wigmore, Chicago, Illinois; Charles I. Denechaud, New Orleans, Louisiana; Guy A. Thompson, St. Louis, Missouri; Joseph DuVivier, Paris, France; James Maxwell Murphy, Milwaukee, Wisconsin; Robert H. Jackson, Jamestown, New York; Maurice Leon, New York City; Eugene E. Brossard, Madison, Wisconsin; Charles V. Clark, Chicago, Illinois; Edwin M. Borchard, New Haven, Connecticut; Frederic R. Coudert, New York City; Warren Olney, Jr., San Francisco, California; D. Campbell Lee, London, England; Eugene Raines, Rochester, New York; James O. Murdock, Washington, D. C.

The Law and Medical Testimony—A Knowledge of Anatomy Necessary in Trial Work

By Howard Taylor, of Los Angeles Bar, Member County, State and American Medical Associations

IF WE, as attorneys, will consider the fact that 25% of the litigation in this county deals with medical and surgical subjects, and that in many instances the damages in a given case are determined upon, or vary directly as the medical or surgical aspects of the case are presented, we will realize the importance of at least a "nodding acquaintance" with medical terms, signs and language.

An attorney cannot be expected to learn that which it takes an M. D. seven years of college, one year or more of hospital interneship, and a period of actual practice to partially master. However, a little learning is better than no learning of any subject, and in this series of articles I shall attempt to take up some anatomy, some physiology and pathology, and define some of the medical terms and signs that may be of assistance to lawyers in their practice. There will be an attempt to simplify this very difficult subject in an endeavor to lend as much aid as possible without the advantage of demonstration from skeleton, cadaver, charts, pictures, etc.

But first let me digress to mention two or three typical cases wherein it appears there was a miscarriage of justice because of lack of proper and adequate medical testimony. A case comes to mind involving an automobile collision in which a woman in her sixties suffered a wrench or sprain of the neck. The defense attorney showed me some X-ray films made by the plaintiff's physician. It was my opinion that this plaintiff had a long standing osteo-arthritis with bony bridging fusing a number of the cervical vertebrae; that the trauma had broken this bridging or bone growth; that such breaking produces severe pain which at her age would undoubtedly be permanent, causing her to suffer the remainder of her life. I advised settling up to $1000.00. The defense offered $750.00, which was refused. Surprisingly, the plaintiff's attorney rested without putting on any medical. The plaintiff herself testified to the severe, constant, even excruciating pain in the neck which was undoubtedly true. The defense case was well prepared with maps, photos, and an orderly sequence of witnesses, but the verdict was for the defense. I shall always believe that, with proper medical testimony, damages should have gone to the plaintiff for at least $2,500.00 to $3,000.00.

Lack of Medical Testimony

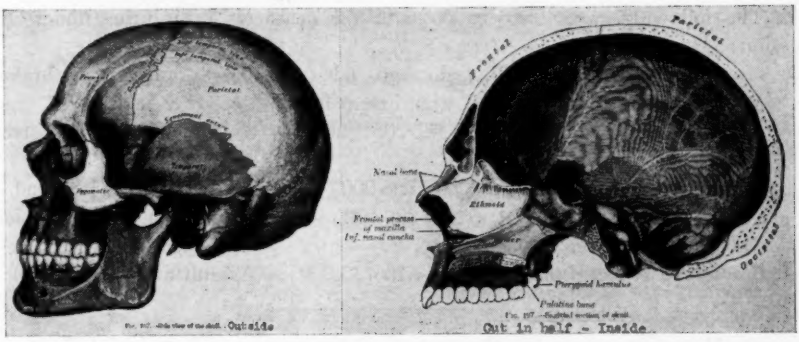
In another case the plaintiff had been attended by a gentleman of the cults, sometimes referred to as short cuts to the practice of healing. Plaintiff's attorney did not have consultation by a trained physician and surgeon and attempted to present the plaintiff's injuries by placing the "attending doctor" on the stand. The defense was well prepared, putting on high-class physicians and surgeons, and easily convincing the jury that the "attending doctor" knew

practically nothing of the subject. Here again, I believe a meritorious plaintiff's case was lost. No damage was proved.

Many cases, both from the plaintiff's and defense's standpoint might be cited. It might grow wrathy on the subject of our broad, liberal medical practice act which allows persons without a high school education to assume the responsibility of not only the health and well being of persons, but of life itself. Citizens do not know; they believe that any one the State allows the use of the title "Doctor" has probably spent his eight years in medical school and hospital work after obtaining his high school diploma.

Some Anatomy

Now for the subject. Let us start with the skull (cranium) and its contents. The skull (cranium) proper is made up of eight bones. There are fourteen facial bones. The average thickness of the skull is one-fifth of an inch, thinning to that of a business card at the temple in front of the ear (squamous scale portion of the temporal bone), up to a half inch in thickness at the lower back bump (occipital protuberance).



The occipital bone is shell-shaped, deeply concave and forms the back of the skull and a portion of its base (under surface). It extends forward beneath the brain to a point one inch in front of a vertical line through the ear hole (external auditory meatus). Underneath and near its forward end is an oval hole about an inch in diameter ("foramen magnum" or hole great). Through this hole the spinal cord passes out of the cranial cavity into the spinal canal.

The inner concave surface of the occipital bone presents four rounded depressions (fossae). In the upper two lie part of the "cerebrum" (the forebrain or upper and largest part of the brain), and in the lower two depressions lies the "cerebellum" (the hind brain or the lower smaller brain).

On the outside of the under surface on each side of the large hole (foramen magnum) is a bony elevation called a condyle. These are about the size and shape of almonds and are covered with cartilage (gristle). They rest in depressions on the upper surface of the first bone of the spine (the atlas) and allow for some of the head movements.

The borders of the occipital bone, and all skull bones, are deeply serrated (saw-edged). In many places in the adult skull the bones are dovetailed to-

gether. These zigzag lines of union between the bones are called sutures (suere —to sew). Five bones connect by sutures with the occipital bone. They are: two parietal bones in front and above, two temporal in front at the sides and the sphenoid in front of that part which curves forward along the base under the brain. It also articulates with the atlas. Eleven muscles and eleven ligaments are attached to the occipital bone.

Even though we may expect to move along somewhat faster in later articles, we can give only a synopsis, omitting much detail which could be given at a lecture with the proper equipment to demonstrate the subject.

Some California Cases

With this introductory I shall refer you to some California cases involving medical or surgical aspects of the skull. In these reports one does not read the full medical testimony. I have always felt that an attorney can not learn to practice in our trial courts by reading appellate and supreme court reports. If I had a voice in law colleges, I would have students read reporters' transcripts from our trial courts.

The following cases have to do with the character of injuries under discussion:

Hupp v. Griffith Co., 127 Cal. App. 63 (21,500)—Trailer, poor brakes. Depressed skull fracture and linear basal.

Lagomarsino v. Market St. R. R., 205 Cal. 519 ($5,000)—Truck and street car. Fracture—concussion.

Helfer v. Glaze, 81 Cal. App. 40 ($6,000)—Awning fell; frame hit head.

Sellers v. Wood, 205 Cal. 519 ($20,000)—Hydraulic hoist, auto collision. Skull fracture.

Bloomberg v. Laventhal, 179 Cal. 616 ($5,000).—Assault and battery.

When it comes to the count of inadequate education I fear that we must plead guilty and throw ourselves upon the tender mercy of democracy. This, and the charge that we have been far too indifferent to house-cleaning, are the really serious counts in the indictment laid against us by our critics.

—Justice Benjamin N. Cardozo.

Bar Endorses and Supports Bond Election to Provide Funds for New Court House

ACTION of the Board of Supervisors in calling and providing for a special bond election on May 5, 1936, for the purpose of submitting the proposition of incurring a bonded indebtedness and issuance of $4,000,000.00 bonds as the County's contribution toward the cost of a new County Court House, was approved by the Board of Trustees of the Los Angeles Bar Association on April 3, 1936.

The total cost is to be $8,363,636.37, of which sum $6000,000.00 is to be expended in acquiring necessary land, and in constructing, furnishing and equipping a building for a Court House and general County offices at the County seat, on land now County-owned in the Civic Center, and $2,363,637.37 in acquiring land and constructing, furnishing and equipping buildings in the twelve outlying districts specified in the Board of Supervisors' resolution.

The resolution of the Bar Association Trustees follows:

RESOLVED: THAT, WHEREAS, heretofore the Board of Supervisors of the County of Los Angeles adopted a resolution calling for a special bond election on May 5th for the purpose of submitting to the qualified electors of the County of Los Angeles the question of incurring a bonded indebtedness and the issuance of bonds of said County in the amount of $4,000,000.00, representing the contribution of Los Angeles County from such bond proceeds towards a total cost of $8,363,636.37, of which amount the sum of $6,000,000.00 is to be expended in the acquisition of the necessary land and the constructing, furnishing and equipping of a building for Courthouse and general County office purposes at the County seat of said County to be located on land, nearly all of which is now owned by said County, within the Civic Center of the City of Los Angeles; and of which amount the sum of $2,363,637.37 is to be expended in the acquisition of the necessary land and the constructing, furnishing and equipping of buildings to be located respectively in twelve outlying districts named in the resolution of said Board of Supervisors, and to be used for the purposes described in said resolution;

WHEREAS, said Board of Supervisors has adopted a resolution that it will not proceed with the sale of said bonds unless a grant is received from the Federal Emergency Administration of Public Works in an amount equal to forty-five per cent of the said cost of all of said projects; and,

WHEREAS, the aforesaid public improvements are necessary and proper in the public interest and if not effected at the present time with the assistance of the grant from the Federal Government, such improvements will have to be acquired hereafter without such assistance and at a consequent increased cost to the County,

NOW THEREFORE, BE IT FURTHER RESOLVED by the Board of Trustees of the Los Angeles Bar Association that such Board of Trustees hereby approves the action of said Board of Supervisors in calling and providing for said election for the issuance of said bonds in the said sum of $4,000,000.00 to be used for the purposes above stated, endorses and supports the said purposes of said resolution and of said election, and recommends that the electors of the County of Los Angeles vote at said election in favor of the issuance of said bonds.

ORGANIZATION

There are about 175,000 lawyers in the United States. Only 16 percent, or 27,500, are members of the American Bar Association, which is active in its work to determine whether a more effective and representative organization of American lawyers cannot be brought about.

The defects and inadequacies which detract from the effectiveness of the A. B. A., according to a statement by President William L. Ransom, are the facts that the association speaks and acts only as a selective minority organization, and its policies on important matters are subject to decision by majority vote of such lawyers as attend its annual convention and are actively present when the vote is taken—usually a relatively small number. The result: 500 lawyers voting, with less than 300 deciding the policy of the whole association.

Because nominations of officers are not made and election conducted until the closing day, says President Ransom, "the whole week becomes surcharged and pervaded with politics and candidacies, to the exclusion of much consideration of ideas and policies." He discusses the pending plan to be considered at Boston, which THE BULLETIN will print in a future issue.

*Cleveland Bar Vigorously Prosecutes—Jail Sentence Given Undertaker for Illegal Practice**

AUGUST F. SVETEK, a Cleveland undertaker who unlawfully practiced law on the side, was given a ten-day jail sentence and a fine of $100.00 and costs by Chief Justice Homer G. Powell of the Cuyahoga County Court of Common Pleas, after a hearing on charges made by the Unauthorized Practice of Law Committee of the Cleveland Bar Association.

A year and a half ago on charges made by the same committee, Svetek was restrained by Judge Powell from preparing wills, appearing in Probate Court on behalf of others and giving legal advice. Harold K. Bell, Chairman, and J. Roger Jewitt on behalf of the Bar Association Committee, and Leopold Kushlan, a lawyer, instituted contempt proceedings recently against Svetek in which it was charged that he was violating the restraining order. Svetek admitted in the course of the hearing that he had drawn five wills in violation of the court's order.

During the hearing it was brought out that a man whose only asset consisted of an insurance policy of $500.00, which was payable to the man's brother, went to Svetek and asked him to draw his will. Svetek did so and in the will provided that the principal of the policy should be paid to the man's estate. Then Svetek provided in the will that he should be the man's undertaker, that the cost of the funeral should be $400.00, all of which was to go to Svetek, and that the man was to lie in state at Svetek's undertaking parlor. Svetek named himself as executor of the will. The second and final clause of the will provided that relatives should receive whatever remained of the estate after expenses entailed in its disposal were paid.

Svetek was given the prison sentence and fine on conviction of contempt of court for violating an injunction issued a year ago last October to restrain him from acting as an attorney. Execution of the sentence and half of the fine were suspended for six months.

The Cleveland Bar Association Committee on the Unauthorized Practice of Law made up of Harold K. Bell, Chairman; Christian J. Bannick, J. Roger Jewitt, Robert H. Sanborn, McAllister Marshall, E. J. Sklenicka, Walter C. Kelsey and Carl H. Brown, Jr., has for the last two years been conducting an active campaign to prevent the practice of law by notaries public and other laymen who have contacts with large groups of people in the cosmopolitan sections of Cleveland. In the course of its work the Committee has uncovered instances other than the Svetek case in which laymen have taken unfair advantage of persons who came to them for legal service and advice.

Wide publicity was given the court's decision in the Svetek case for the purpose of warning the people in the cosmopolitan sections of Cleveland against the activities of unscrupulous persons, not members of the Bar, who offer to perform legal services.

*Furnished by Cleveland Bar Association.

Courts are Stamping Out Unauthorized Practice

By Stanley B. Houck, Chairman of Committee on Unauthorized Practice of the Law of the American Bar Association

WITHIN recent months, with respect to the acts and activities, legal in nature and character, of those not licensed to practice law;

(1) The substantive law, while applied somewhat more frequently than heretofore, has been applied without particularly startling or novel results to the situations presented to the courts as they have normally developed.

(2) The irregular, not to say unprofessional, conduct of attorneys advising, facilitating, or participating in such acts, has been vigorously condemned by the courts, and the gross impropriety of such conduct has been emphasized and, in some cases, punished.

(3) The technique of procedure in proceedings to present such acts to the courts for appropriate action has been made more direct and much more simple, logical and sensible.

(4) The nature of the judicial function, in respect to all such matters and conditions, has been, for the first time, accurately and clearly expressed and determined; and the significance and effect thereof upon the suitable administration of justice and upon the broad public interest has been more truly recognized and more effectively translated into effective action.

Otherwise expressed, the judicial function and its agents, the judiciary, have been noticeably invigorated, spurred and inspired to action, and caused to recognize an affirmative instead of a merely negative duty toward the whole problem.

In the decided cases, there has been reflected and expressed the gradually gathering ultimate effect and significance of limited applications of substantive principles, and an accumulative recognition that more simple and direct procedural methods are necessary and wholly appropriate.

Massachusetts Rule

The Supreme Judicial Court of Massachusetts, January 30, 1935, in response to questions propounded by an order of the General Court, (the legislature), of Massachusetts, said: "It is inherent in the judicial department of government under the constitution to control the practice of the law. . . . The judicial department can not be circumscribed or restricted in the performance of these duties. . . . Permission to practice law is within the exclusive cognizance of the judicial department."

More elaborately expressed in general outline, the Supreme Court of Rhode Island has summarized the nature of the judicial function as follows:

> "Under our system of law the most effective guaranty of equal justice to all in the commonwealth is a competent and learned bar composed of men of high personal character who govern their professional conduct at all times by the well known and generally accepted canons of legal ethics. The lack of such a bar, or *the co-existence with it of an array of individuals or groups operating under deceptive devices and catch-names to mislead the public into the belief that they are entrusting their causes to those learned in the law and competent to serve them, would inevitably result in a deprivation of justice to many in the state.* In such an atmosphere, there would be a strong tendency for the bar to sink to the level of its unauthorized and unqualified competitors."

Automobile Associations

The activities of automobile associations have been thoroughly considered and the restraint imposed upon their activities has been most sweeping and far-reaching. The most recent case, which in no wise recedes from the earlier cases, was decided March 18, 1936, by the Supreme Court of North Carolina, in *State, ex rel. Attorney General v. Carolina Motor Club Incorporated and American Automobile Association.* Ante-dating this case were: *Goodman v. The Motorists' Alliance,* 29 O. N. P. 31; *Rhode Island Bar Association v. Automobile Service Association* (R. I.) 179 A. 139, decided May 9, 1935, and *People ex rel. Chicago Bar Association v. Chicago Motor Club* (Ill.), 199 N. E. 1, decided October 14, 1935.

These cases, in effect, forbid such associations to render any legal service whatsoever or to furnish attorneys for their members, including such services in criminal prosecutions for negligence or manslaughter while in the operation of a motor vehicle, or for a violation of state law, town or city ordinance concerning the operation of such vehicles, the furnishing of counsel to bring suit free of charge to collect damages or to defend the member against such suits and the furnishing of consultation and free legal advice to the members of his family, his agent, servant or employee, in matters relating to the use, operation, ownership, licensing and transfer of motor vehicles.

Banks and Trust Companies

Cases against banks and trust companies have recently been almost missing from the dockets. The last decision of a Supreme Court upon this subject is the Missouri case, *State v. St. Louis Union Trust Company* (Mo.), 74 S. W. (2d) 348. Since that decision, however, a lower court in Michigan has reached substantially the same conclusion which has been appealed and is now pending before the Supreme Court of Michigan; and, on January 29, 1936, the District Court of Ellis County, Oklahoma, granted a sweeping injunction against all unauthorized activities by Oklahoma banks.

Legal Aid Committee Reports

MR. KIMPTON ELLIS, Chairman of the Committee on Legal Aid, has submitted the following report to the President:

"The report of the Committee on Legal Aid for the past year is brief, since the Committee has not been required to be very active.

"I have had several personal conferences with Leon David, chairman of the Legal Aid Committee of the State Bar of California, and also with Mr. Sheldon Elliott, who succeeded Mr. Davis as director of the Southern California Legal Aid Clinic that is connected with the Law School of the University of Southern California. This Clinic has been rendering a splendid service to many persons who could not possibly afford to employ an attorney.

"A Legal Aid Clinic has also been established in the Law School of Southwestern University. I have desired to visit this Clinic, but to date have not done so.

"On November 18, 1935, some of the members of the committee met with some of the members of the Legal Aid Committee of the State Bar and three members of the Board of Governors of the State Bar, to consider certain complaints that had been made to the State Bar of alleged unlawful practices of the Southern California Legal Aid Clinic, that is to say, that it was a corporation practicing law and that it represented clients who could afford to employ attorneys. The discussion disclosed without question that no such clients were represented, and that while the Southern California Legal Aid Clinic is a corporation, the work is carried on by attorneys who are assisted by senior students in the Law School, this assistance being similar to the assistance that many attorneys receive from students in their offices.

"At this meeting it was brought out that it would probably be to the greater advantage of the bar in its public relations if it would render legal assistance for the indigent under a better organized plan than has been heretofore followed. To this end, Mr. David was requested to prepare a report which would embody suggestions made at this meeting and also contain an outline for organizing Legal Aid Committees among the lawyers in various communities throughout the State of California.

"Legal aid for the indigent is primarily the lawyers' responsibility, and, properly handled, many abuses and impositions upon lawyers themselves can be avoided and greater credit for the bar can be developed, which will greatly aid in the improvement of the attitude of the public toward the bar."

*Law Institute Makes Progress In Torts Restatement**

AT the May meeting of the American Law Institute the Torts group is submitting for consideration and suggestions a substantial amount of material in the law of Deceit and Defamation. The interesting and difficult problems involved in both these thorny topics have been developed and dealt with as well as the group can do it without the further help which is brought by approaching from different points of view.

In the meantime, preliminary work goes forward into other parts of that conglomerate subject we call Torts. The next set of problems for consideration are those commonly known as "Slander of Title." The name is not a good one. It has just enough connection with the problems involved so that it is not wholly misleading. The conduct which may create liability upon a defendant is something like that involved in liability for slander. And the thing defendant does as a basis of liability is the speaking or writing of words, as in defamation cases. The injury of which the complainant complains is, in some cases under this head, something which casts doubt upon his "title" to land or chattel. But the scope of invasion of the plaintiff's interest is not limited to title cases and the rules which determine defendant's liability show only vague similarity with the rules determining liability for defamation. Labels in law or elsewhere have no intrinsic importance. We could pin a Greek letter to the various types of problems in the field of Torts as a means of classification and the device would work well enough if lawyers knew what was comprehended under each letter. The danger of an inaccurate label is that it may mislead one who relies upon the label instead of examining the product. This is as true in law as it is in the field of medical products.

The accurate description of the problem in which work is begun is found in the phrase "Language Which Invades Interests in Vendibility of Property and Other Interests." Perhaps from further thought upon the subject a title equally accurate and less ponderous can be found. The subject is less well known and less litigated than most of the questions involved in negligence and even libel and slander. There is comparatively little literature upon it.

*Furnished by American Law Institute.

California Supreme Court Rules—Origin and Evolution as Shown by the Reports

COPY of original rules of the Supreme Court, which first sat in what is known as the March term, 1850, is not found but that there were such rules is disclosed by Volume 2, p. 150, 266, California Reports, wherein is found a new rule which refers to Rule 1 of the existing rules. Another rule adopted several months later is shown at page 265 of that volume. The order first above referred to is followed by a second order commanding the sheriff of Solano county to provide suitable rooms at the seat of government in which to hold the April term of the court. Benecia was doubtless the capital of the state at that time.

First full set of rules, 54 in number, is found in 4 Cal. p. xv. The clerk was J. R. Beard, and he made a rule of his own which provided: "In future, no transcript of record from a lower court will be filed in the Supreme Court, unless accompanied by thirty dollars in cash."

Next rules are found in the appendix to Volume 6, p. 751, 31 in number which were evidently adopted in lieu of the previous set, December 2, 1857.

New set of rules, 32 in number, was again adopted May 21, 1859 (11 Cal. 408). Rule 10 provided that a transcript was required to be written in a "fair, legible hand," and each paper or order was to be separately inserted. The typewriter had not yet arrived.

Next, in Volume 24, p. 673 is, set forth a set of rules adopted January 12, 1864, as amended Dec. 8, 1864, and January 10, 1865. Rules bearing same dates are also found in 25 Cal. 659 and 26 Cal. 693.

In Volume 28, p. 703, is found a set of rules as amended January 3, 1866. It is here provided that the transcript shall be printed.

Following volumes contain rules: 2, 4, 6, 11, 24, 25, 26, 28, 37, 41, 49, 52, 64, 130, 144, 160, 177, 204, 213.

In Vol. 52, p. 677, are rules adopted just prior to the Constitution of 1879. Rule 2 of this set seems to contemplate oral argument and decision of cases without taking them under lengthy submission as we do now, for it is provided that a special memorandum deraigning title should be filed with each case involving the title to lands.

A list of lawyers admitted is found in Volumes 9, 12, 29 and 52, and perhaps others.

A. B. A. Ethics Committee's Opinion on Advertising

OPINION 152

February 15, 1936

ADVERTISING—A lawyer, even though registered as a "patent attorney," may not solicit professional employment in patent and trade-mark matters by circulars or advertisements, or by personal interviews or communications not warranted by personal relations.

BUSINESS CARDS—The use by lawyers of the words "Patent Law" or "Patent and Trade-Mark Practice" on ordinary simple business cards is not, per se, improper.

The attention of the Committee has recently been directed to the conduct of "patent attorneys" who advertise their services by letters, circulars, and advertisements published in telephone directories and other media. No question of local custom is involved as "patent attorneys" advertise throughout the country. The Committee has been asked to express its opinion as to the propriety of such advertising, particularly by those "patent attorneys" who are also lawyers.

The opinion of the Committee was stated by Mr. McCoy, Messrs. McCracken, Sutherland, Martin, Phillips, Arant and Ailshie concurring.

"Patent Attorneys" are those who are recognized by the Commissioner of Patents as "agents, attorneys, or other persons representing applicants or other parties before his office." (Act of February 18, 1922, U. S. C., Tit. 35, Sec. 11.) They need not be "lawyers" though many of them are. The law vests in the Commissioner ample authority to discipline all patent attorneys, as such. We are concerned only with advertising by patent attorneys who are also lawyers, and we express no opinion as to the propriety of advertising by those who are not.

The entire bar is familiar with the general character of such advertising, and in our opinion, it is unbecoming to a lawyer, however modest or blatant it may be. We deem it immaterial whether or not a lawyer who so advertises refers therein to his status as a member of the bar. Being a lawyer he comes within the purview of the Canons of Professional Ethics, and his status as a "patent attorney" does not in anywise qualify or limit their binding effect upon him. Canon 27 permits the publication of "ordinary simple business cards," (as defined in Canon 43), as a matter of personal taste or local custom, and sometimes as convenience, but declares unequivocally that "solicitation of business by circulars or advertisements, or by personal communications, or interviews, not warranted by personal relations, is unprofessional." Canon 45 provides that "the Canons of the American Bar Association apply to all branches of the legal profession; specialists in particular branches are not to be considered as exempt from the application of these principles."

The question now presented is not without precedent, so far as this Committee is concerned. In Opinion 11 we said:

> "It is quite customary for those engaged in the practice of patent law to use the words 'Patent Law' or 'Patent and Trade-Mark Practice' on their cards and there is nothing unfit or undignified in their so doing. If, however, they were to enumerate the many things which they continually do in connection with such practice their cards might be neither ordinary nor simple."

So, too, in Opinion 114, in reaffirming this view we said that the statement, "Booklet on Patents Mailed on Request," on the card of a lawyer specializing in patent and trade-mark practice, was unethical and should be omitted, and that, construing the card as a notice of specialized legal service, it should be addressed only to lawyers, as provided in Canon 46, and should not be sent indiscriminately to manufacturers and inventors throughout the country. (See Opinion 36.) Again, in Opinion 32, we held that a lawyer cannot properly be associated with or employed by a layman who is admitted to practice before the Commissioner of Patents when that layman does business under the name of a firm which represents itself to be "attorneys" or "counselors in patent causes." The only expression of approval to be found in the opinions of this Committee is with respect to the "listing of a member of the patent bar under the heading 'Patent Lawyers' in a classified telephone directory." In Opinion 123 we held that such a listing "being for the convenience of telephone subscribers," is not improper. However, in that opinion we again directed attention to the fact that "a lawyer should not permit his name to be published in a telephone directory in boldface type or in any other manner to make it conspicuous and distinguish it from the names of lawyers generally published therein," since the publishing of his name in a distinctive manner is a form of advertising. (See Opinion 53.)

In our opinion, therefore, a lawyer, even though registered as a "patent attorney," may not solicit professional employment in patent and trade-mark matters by circulars or advertisements, or by personal interviews or communications not warranted by personal relations. However, the use by lawyers of the words "Patent Law" or "Patent and Trade-Mark Practice" on ordinary simple business cards is not, *per se*, improper.

The Act of February 18, 1922 (U. S. C. Tit. 35, Sec. 11) contains a clause which, by inference at least, suggests that advertising by patent attorneys may be sanctioned. This fact does not alter our conclusion. In our opinion such a law designed to regulate a calling which like so many others, may be engaged in by layman and lawyer alike cannot be construed to permit the solicitation of professional employment by advertisement or otherwise by one who is bound by the ethics of the legal profession, which forbid that he "should advertise his talents or his skill, as a shopkeeper advertises his wares." *People ex rel Attorney General v. McCabe,* 18 Colo. 186, 32 Pac. 280, 19 L. R. A. 231, 36 Am. St. Rep. 270.

Air Transport Benefits Legal Profession

DURING recent years, as the air transport industry has forged ahead in perfecting its service to the public, none has been as ready and willing to take advantage of the opportunity afforded, as the legal profession.

A survey of the records of travelers utilizing the air services, particularly between Southern California and the more important eastern centers, shows that prominent among the leading professions represented is that of the bar. Lawyers, Judges and Statemen outnumber most of those listed, placing second only to sales representatives of commercial and industrial firms. Not alone have the air services proved to be of marked value to this group as a medium of transportation, but likewise air mail and air express have added materially to the dispatch and execution of legal documents.

Prominent among the airlines serving Southern California, is the American Airlines, Inc., largest transport system in the nation and operators of the famed "Southern Transcontinental Route". Operating the only direct service to Washington, D. C., via Dallas and Nashville, this line has become the "unofficial" barrister route. Fast schedules both day and night find a representative roster of eminent attorneys, judges and statemen on the passenger lists.

The growing importance of this service directly flown to the nation's Capitol as well as New York and Boston, has led to the preparation of plans for an early enhancement of the schedules to and from Los Angeles. American Airlines is preparing to inaugurate new, faster services with a fleet of recently purchased Douglas Super Transport planes, each accommodating twenty-four passengers for day operations or sixteen as a sleeper at night. Incorporating every facility for comfort and refinement, the new planes will be known as "Flagships."

The value of this modern mode of travel has steadily been gaining in public appreciation as is evidenced by recently published figures released by the United States Department of Commerce, Aeronautics Branch. A total of eight hundred and sixty thousand, seven hundred and sixty-one passengers flew over the nation's airlines in 1935, the greatest number to be carried in any year since the air became the new pathway of commerce.

The United States Postoffice Department announced 1935 as the peak year in the carrying of air mail, with a total of thirteen and a quarter million pounds flown.

Juniors Inaugurate Extensive Program

By Charles E. Sharritt, of the Los Angeles Bar

WITH eleven committees functioning under the guiding hand of Chairman Ned Marr, the Junior Barristers of the Los Angeles Bar Association have launched an extensive educational, civic and social program for the ensuing year.

Undoubtedly the highlight on the social calendar for the junior group is the Annual Spring Frolic (in previous years captioned a "beer bust"), which is expected to take place on May 22. Although plans for this event are not yet completed—it will be held, as usual, at one of the nearby country clubs.

According to S. Earl Wright, chairman of the frolic committee, plans for the gathering include a full program of sporting events throughout the afternoon, a dinner and entertainment in the evening. Arrangements have been made for a golf tournament under the direction of Sid Cherniss, with prizes for high and low scores, and tennis games directed by Gus Mack.

Chairman Marr has urged that all law firms or other agencies where members of the Junior Bar are employed cooperate in arranging for their young assistants to have the afternoon off duty to attend the gay frolic.

At the first meeting since Marr's election as chairman, the junior barristers, on April 16, heard an interesting talk on the current political and diplomatic unrest in Europe. The speaker was Professor A. Th. Polyzoides of the U. S. C. political science school. For many years the professor has been considered an authority on European politics and diplomacy, and in his talk gave a clear, concise outline of the present turmoil on the continent. The meeting was held at the University Club, the program being arranged by a committee under the direction of Richard E. Davis.

Educational Program

A committee on Educational Information, with William A. Page as chairman, has started outlining a plan to make available to junior college and university students information and advice regarding the necessary preparation for the legal profession. Arrangements are also being made by the committee for older members of the bar to give vocational guidance to young persons who are considering taking up the study of law. In addition to Page, the committee is composed of W. Joseph McFarland, Thomas J. Cunningham, Eugene M. Elson, Robert Lee Collins, Robert M. L. Baker and Marcus A. Mattson.

Another group, known as the Federal Attorneys List Committee, composed of Kenwood B. Rohrer, chairman, Burdette J. Daniels and J. Everett Blum, has been appointed by Marr. It is the function of this committee to confer with the federal judges here regarding the feasibility of submitting a list of junior barristers who are willing to be appointed to represent in federal court persons who are without funds to employ counsel. It was pointed out that the plan would not only be rendering a service to the federal court, but at the same time would give many young attorneys an opportunity to become familiar with federal practice.

Another new committee is one known as the Committee to Assist Homebuilders. This group, composed of Chairman James C. Ingebretsen, Kenwood B. Rohrer and Martin Weil, is investigating the possibility of establishing a plan whereby legal advice in connection with home building can be provided to persons of modest means.

Plans for a concerted movement to increase the membership of the Junior Barristers, and incidentally at the same time add to the senior group membership, are being formulated by a Membership Committee directed by H. L. Rose, Jr. Other committees appointed by Marr are the following: Publicity, Age Limit Revision, Co-ordination With the American Bar, Finance, Speakers.

The Law's Uncertainties

By Fred N. Arnoldy, of the Los Angeles Bar

MUCH has been said and written about the law's delays and the evils resulting therefrom, and much has been done in various ways to speed up the administration of justice. The "speeding up" process has achieved at least one result—the litigant's chances of learning his *ultimate* fate before shuffling off this mortal coil have been materially increased.

But have we, in the desire for speed, given sufficient thought to the far greater and more vital problem of rendering the administration of justice more certain and uniform? The experience of one litigant, which is perhaps not unlike the experiences of others, may be helpful in supplying an answer to this question.

In 1927 John Doe purchased two parcels of land which were then subject to condemnation proceedings instituted under the Street Opening Act of 1903. The proceedings were commenced before his grantor acquired the property. An interlocutory decree fixing the amount to be paid for the taking had been entered, but under the provisions of the Act the condemnor had not yet lost its right to abandon the proceedings. The conveyance to Mr. Doe, as well as the preceding conveyances, were silent as to the award and conveyed the whole parcels, inclusive of the parts thereof sought to be taken, making no reference to the pending proceedings. Mr. Doe did not demand an assignment of the award being advised that the right thereto had not yet accrued and therefore passed to him with the conveyance of the title to the land. He promptly gave notice to the condemnor of the conveyance and of his claim to the award in the event of the completion of the proceedings. To the end that he might receive notice of any assessments

which might be made, and thus have an opportunity to offset the award against the assessments, he caused an appropriate entry of his ownership to be made in the records of the Bureau of Assessments.

Seeks Advice

Shortly thereafter he made a trip to a distant foreign country. Upon his return some months later he found that the proceedings had been completed, assessments levied, bonds issued therefor, his property sold for default in the payment of the first installment of principal, and the awards collected by his grantor under assignments from the original owners. He redeemed, paying the Bonds in full, plus interest and costs. Not cheered by the thought that he was thus in effect obliged to supply the very money collected by his grantor he sought legal advice.

He was informed that there was then no California case squarely in point, but that the rule of law applicable to the facts in his case was clearly and firmly established by a long line of decisions in other States, among them the Illinois case of *Price v. Engelking*. This was not a "dictated but not read" type of opinion, expressing thoughts still in a state of immaturity. It was so clear, logical and concise in its statement of the rule that no reasonable doubt could be entertained as to his right to the awards. Nor did the Illinois case by any means stand alone in its conclusions and the force of its reasoning. Mr. Doe was further informed that his position was fortified by the fact that in the operation of the Act of 1903 the property conveyed to him was subjected to assessments levied for the very purpose of paying the awards, and that therefore he should equitably be entitled thereto.

The trial Court brushed aside the cases from outside jurisdictions and granted a nonsuit based upon an erroneous construction of section 10 of the Act of 1903. The District Court of Appeal (*Tom v. Eddy*, 76 C. A. D. 586) rejected the con-

struction placed by the trial Court upon section 10 and reversed the judgment on the authority of *Security Company v. Rice,* 215 Cal. 263 (an interim decision brought to the attention of the Court when the cause was ordered submitted for decision). These glad tidings were hardly conveyed to the plaintiff when the District Court of Appeal, on its own motion and without previous notice to the plaintiff, and without ordering a re-argument, vacated its decision, and shortly thereafter rendered a second decision (*Tom v. Eddy,* 137 C. A. 577) affirming the judgment of non-suit on the authority of *McDaniels v. Dickey,* 219 Cal. 89 (another and later interim decision based upon a construction of the general Code sections pertaining to eminent domain proceedings).

PETITIONS DENIED

A petition for rehearing was filed pointing out that the authenticated record in *McDaniels v. Dickey* failed to disclose the fact that the proceedings there were under the Act of 1903 and that therefore the case was necessarily decided with reference to the general Code sections; whereas the record in *Tom v. Eddy* disclosed that the case was governed by the provisions of the Act of 1903. The petition was denied without comment.

A petition for hearing by the Supreme Court was thereupon filed upon the ground that a decision by the Supreme Court was necessary to secure *uniformity of decision and the settlement of an important question of law,* thus stated:

"Is the Grantee under a deed without reservation, executed after an interlocutory judgment fixing the amount of the award but before the condemnation suit has reached that point of completion where it is not subject to abandonment, entitled to the award?"

The distinction between *McDaniels v. Dickey* and *Tom v. Eddy* was pointed out therein and attention was directed to *Price v. Engelking* (quoted approvingly in *Security Co. v. Rice*) and to other equally clear decisions from other jurisdictions. The petition, however, was denied without comment.

Mr. Doe was thus at the end of his rope so far as redress for the wrong inflicted upon him was concerned. He had had "his day in Court" and there was nothing further to be done about it. But while he was left empty of satisfaction, destiny furnished a means of vindication.

Contemporaneously with the denial by the Supreme Court of the petition for hearing in *Tom v. Eddy,* another division of the District Court of Appeal in the same district rendered a decision (*Bank of America v. City of Glendale,* 78 C. A.

D. 32) announcing a result directly contrary to that arrived at in *Tom v. Eddy*. A petition for rehearing was filed therein calling attention to *Tom v. Eddy* and to the fact that the Supreme Court had denied a hearing therein. The District Court of Appeal was constrained to grant a rehearing, and upon the rehearing (*Bank of America v. City of Glendale*, 80 C. A. D. 79) to reverse itself and to render a decision in harmony with *Tom v. Eddy*. Thereupon a petition for hearing by the Supreme Court was filed, calling attention among other things to comment which had meanwhile appeared in the California Law Review upon "the erroneous assumptions in these three cases." A hearing was granted by the Supreme Court followed by its decision (*Bank of America v. City of Glendale*, 50 Pac. (2nd) 1035), vindicating the first decision therein of the District Court of Appeal. *Tom v. Eddy* was disposed of by the Supreme Court with this brief reference:

> "The case of Tom v. Eddy, *supra*, was decided solely upon the authority of McDaniels v. Dickey, *and apparently upon the assumption that the latter case involved a condemnation proceeding under the Street Opening Act of 1903*, when, as we have shown, the opinion in McDaniels v. Dickey, *supra*, makes no reference to said Act, but expressly cites sections of the Code of Civil Procedure, showing that the court had in mind the general law respecting condemnation proceedings and not any special act." (Italics ours.)

These very things were pointed out in the petition for rehearing and the petition for hearing by the Supreme Court filed in *Tom v. Eddy*, and denied without comment.

What of the litigant in *Tom v. Eddy*, thus ultimately vindicated, but left without remedy? What of other litigants with like experiences?

Missouri Bar Wakes Up Lawyers

MISSOURI JUDICIAL COUNCIL, having been charged with being inactive, recently sent out a questionnaire to 5500 attorneys in that state, submitting a number of proposals and asking for a vote thereon. Chief among these questions were those on the method of selecting Judges. It is interesting to note that the lawyers of the state opposed the appointment of Judges by about 2 to 1 vote.

However, they favored the proposal that Judges should be elected at an election held only for that purpose, and the nomination of judges at conventions held solely for that purpose.

The Missouri Bar Journal in summarizing the results of the questionnaire returns says:

"Twenty of these proposals were favored by a majority of the one thousand attorneys who had at that time returned the questionnaire, and a majority were opposed to the other ten proposals. The answers from the cities of St. Louis, Kansas City and St. Joseph, and from the rest of the state designated 'the country,' were compiled separately. It is interesting to note that the ratio of the negative and affirmative answers (except as to two propositions submitted, the majority of the answers to both of which were in the negative) was approximately the same in both the cities and the country.

The majority of the answers was opposed to the following:

1. Appointment of judges.
2. To the present method of electing judges.
3. Nominating judges at a primary held solely for that purpose.
4. To increasing the number of judges of the Supreme Court.
5. To power in the General Assembly to increase or restrict jurisdiction of the Courts of Appeals.
6. To increasing number of judges of Courts of Appeals.
7. To power in the General Assembly to increase additional Courts of Appeals.
8. To restricting the right of appeal from the Circuit Court, and from Justice of the Peace and City Courts to the Circuit Court.
9. To the right of circuit judges to comment on the evidence.

340 answers favored the appointment of judges and 607 opposed.

429 answers favored giving the circuit judges the right to comment on the evidence and 535 opposed.

FAVORED

The following proposals were favored by a majority:

1. Election of judges at an election held only for that purpose.
2. Nomination of judges at conventions solely for that purpose.
3. Same method of election, selection or appointment of Supreme, Appellate and Circuit Judges.
4. Judges of Courts of Appeals to sit in separate divisions of three each if number of judges increased.
5. Power in the Supreme Court to appoint special judges of any of the three courts to sit temporarily.
6. Limiting original appellate jurisdiction of Supreme Court and enlarging that of Courts of Appeals with right in Supreme Court to hear any case pending in or decided by a Court of Appeals.

7. Making appeals returnable and triable at a fixed time without reference to terms of court. (Majority favoring this proposition, 218.)
8. Hearing by Commissioners of the Supreme Court as authorized by the Laws of Missouri 1935—214.
9. Power of Supreme Court to select Chief Justice for fixed term.
10. Abolishing terms of court.
11. Power in Supreme Court to assign judges of Supreme, Appellate and Circuit Courts to sit temporarily in any other of said courts.
12. The right of the Supreme Court to transfer cases from one Court of Appeals to another.
13. Power in the Supreme Court to prescribe process and form of appellate review by that court and Courts of Appeals.
14. Establishment of courts in larger counties and cities in lieu of Justice of the Peace courts, with jurisdiction in civil cases up to $1,000, judges to possess qualifications of Circuit Judge. (Majority favoring this proposal, 677.)
15. Permitting original papers on appeal to be sent to Appellate Court with leave to either party to print such portions of the record as desired. (Majority favoring this proposition, 540.)
16. Right of the Circuit Court to call for evidence to supplement the record in cases appealed from the various state commissions and commissioners.
17. Uniform provision for service of process upon corporations doing business in this state. (Majority favoring this proposition, 870.)
18. Uniform provision for service by publication where jurisdiction involved is *in rem* or *quasi in rem* and personal service cannot be had. (Majority favoring this proposition, 829.)
19. No continuance or resetting except on motion for good cause shown.
20. No changes of venue unless application filed five days before cause set for trial. (Majority favoring this proposition, 45.)

A great many letters and suggestions were forwarded by many of the attorneys answering the questionnaire."

Pre-Bar Acquaintance with Bar Association Work

"WITHIN a few years, the work the leadership, and the policies of the legal profession will be largely in the hands of lawyers who now are in the Junior Bar, under 35 years of age," says President Ransom of the American Bar Association. "Within the same period of time, the leadership and the activities of the dynamic Junior Bar will come into the hands of men now in the Law Schools and men who have not yet entered the Law Schools.

"In the presence of this continuing transition through flight of time, the men now active in the Bar Associations, local, State and National, are naturally interested that law school students shall have pre-Bar acquaintance with the purposes and spirit of the organized Bar. We could not afford to let young men wander into the profession without realization of the duties and responsibilities of their high calling, and could not afford to let them remain aloof during the hard, formative years when they need most the friendly help and cooperation of Bar Association activities.

"Not many years ago the legal profession in America had little sense of public obligation as a profession, and was just a lot of lawyers practicing law—intensely individualistic, sharply critical of each other, but little disposed to do any thing to raise the standards of the profession and make it a better instrument of public service. Well, that picture has begun to change, and has already changed considerably in not a few States. By and large, the lawyers of the whole country are becoming aroused to a keener sense of their public duties and responsibilities, and are beginning to go into action along lines that have been too long delayed. I am happy to be able to report to you that American lawyers are coming to do, for and about their profession, a great deal of the same kind of straight thinking and hard work which they do for their clients.

"Gone are the days when Bar Associations—local, State or National—do or can represent the views or the participation of only a minority, no matter how wise or patriotic that minority may be. The rank and file of the practicing lawyers are moving in and are taking charge—the men who do the real work of the profession—and the younger lawyers are coming in to work along with them. Grave as are the problems which beset our profession and our country—and I would be the last to under-estimate their gravity—I believe that a militant and truly representative organization of American lawyers will bring new resources of wisdom and leadership, for their democratic solution. There are many tasks and duties which call for the best which the lawyer can give, in the interests of the public as well as the legal profession.

"So my plea here, to the younger lawyer and to the law student not yet enrolled in the profession, is for his use to the utmost of such time as he can spare, in the tasks of good citizenship and of the legal profession. Our country needs the able and disinterested counsel and leadership of the whole of its legal profession, and not merely the counsel and leadership of an elderly minority. This profession and its problems will soon belong to you, and I welcome heartily every organization and activity which helps to fit the young recruit to take from the first an honorable place in the profession."

A. B. A. and Canadian Bar

Chicago, April 20—(Special)—President William L. Ransom of the American Bar Association has appointed, as the delegate to represent the American Bar Association at the annual meeting of the Canadian Bar Association, the Honorable William D. Mitchell, former Solicitor-General of the United States and former Attorney-General of the United States, now Chairman of the Advisory Committee constituted by the Supreme Court of the United States to draft Rules for the Federal Courts.

The annual meeting of the Canadian Bar Association will be held in Halifax, Nova Scotia, during the week preceding the annual meeting of the American Bar Association, and Mr. Mitchell will come from Halifax to the Boston meeting of the American Bar Association.

Lord Thankerton, Lord of Appeal in Ordinary and former Attorney-General of Scotland, will represent the Bar of Great Britain at the meetings of the Canadian Bar Association and the American Bar Association.

(Furnished by American Bar Association.)